

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

Rick Savage individually and on )  
behalf of Two Brothers, LLC d/b/a )  
Sunday River Brewing Company, )

Mike Mercer, of Cumberland )  
County, State of Maine, )

James Fahey, of Cumberland )  
County, State of Maine, )

Lindsey Crosby, of Cumberland )  
County, State of Maine, )

Individually and on Behalf of All )  
Other Identified Class Members, )

Plaintiffs )

v. )

Janet T. Mills, Governor )  
State of Maine )

Defendant )

CIVIL ACTION NO. 1:20-cv-00165

**MOTION TO AMEND COMPLAINT**

NOW COME the Plaintiffs, Rick Savage individually and on behalf of Two Brothers, LLC d/b/a Sunday River Brewing Company, Mike Mercer, James Fahey, and Lindsey Crosby (collectively, “the Named Plaintiffs”), by and through their counsel, and hereby move this Honorable Court pursuant to Fed. R. Civ. P. 15(a)(2) for leave to file a Second Amended Complaint. In support of this motion, the Named Plaintiffs state as follows;

1. Counsel for the Named Plaintiffs have been fielding and receiving phone calls from an overwhelming amount of potential class members and impacted individuals.

2. The Named Plaintiffs wish to amend its complaint to narrow the proposed class to *identified* individuals and businesses who have been impacted by the Governor's Executive Orders.

3. The Named Plaintiffs further request leave to Amend to add an additional count relating to notice and comment rulemaking.

4. The undersigned contacted Counsel for the Defendant on May 26, 2020, who indicated he had no objection to this Motion.

WHEREFORE, in accordance with judicial economy and to help focus and streamline the issues going forward, the Named Plaintiffs respectfully request this Honorable Court grant leave to file a Second Amended Complaint.

DATED: May 28, 2020

/s/Stephen C. Smith  
Stephen C. Smith, Esq. Bar No. 8720  
John E. Baldacci, Jr., Esq., Bar No. 5773  
Attorney for Plaintiffs  
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CERTIFICATE OF SERVICE

I, Stephen C. Smith, hereby certify that the foregoing Motion to Amend Complaint and Second Amended Complaint has been electronically sent to the following on this 28th day of May, 2020.

Christopher C. Taub, Esquire  
Christopher.C.Taub@maine.gov

DATED: May 28, 2020

/s/Stephen C. Smith  
Stephen C. Smith Bar No. 8720  
Attorney for Defendant  
LIPMAN & KATZ

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**ORDER ON MOTION TO AMEND COMPLAINT**

Upon Plaintiffs' Motion to Amend Complaint and in accordance with judicial economy and to help focus and streamline the issues going forward, the same is hereby GRANTED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge